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From: Shore, Berry
Sent: Mon 5/9/2016 11:59:34 AM
Subject: Hoosick Falls/POFA Clips

**PFOA water crisis: Saint-Gobain, Hoosick Falls officials worked closely, emails reveal:
Manufacturer asks official in email to "change the room dynamic" in water briefing**

By Brendan J. Lyons

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Albany Times Union

On a Wednesday evening last December, the basement of a Hoosick Falls church bubbled to life during the first public meeting on a dangerous chemical polluting the village's water system.

Residents filled the church that night, moving between information tables set up for village leaders, state Health Department scientists, representatives of a grass-roots citizens group, and officials with Saint-Gobain Performance Plastics, the company whose manufacturing plant is suspected of contaminating the village's underground wells.

A few hours before the meeting, a health and safety manager for Saint-Gobain sent an email to village Mayor David B. Borge with a suggestion on how to address the crowd regarding a letter the village received a week earlier from Judith Enck, the U.S. Environmental Protection Agency's regional administrator. Enck's letter instructed the mayor to remove what she characterized as incorrect and misleading information on the village's website about the EPA's guidelines on the potential dangers of PFOA exposure.

The EPA letter also cautioned the water was unsafe for drinking or cooking, affirming the worst fears of some residents who had pleaded with village leaders for months to issue more dire warnings about the situation. Despite the concerns raised in Enck's letter, the state Health Department and village officials continued telling residents the water was not harmful and, as the mayor said, the decision on whether

The Saint-Gobain manager, Edward J. Canning, told the mayor in the email he was sharing "some thoughts from our communications folks." The next line of the email states: "Can the Mayor change the room dynamic by addressing the letter right at the outset and, if time allows, have a slide or white board he could put up to show how village has already responded to every step EPA suggests?"

Borge, who moved through the crowd that night talking to residents and reporters, never mentioned the EPA's letter. In fact, when members of the grass-roots group, Healthy Hoosick Water, learned that Enck's letter was not included in the written information being distributed by the Health Department and village, they quickly handed out their own

copies.

The email from Saint-Gobain underscores the close relationship that developed between village leaders, especially Borge, and the company that may be partly responsible for the pollution.

The email is one of dozens exchanged between the mayor and Saint-Gobain officials since the toxic chemical, perfluorooctanoic acid, was discovered in the village's water system in the fall of 2014. The emails were released to the Times Union recently under a Freedom of Information Law request filed in January.

The documents also confirm there were efforts to conceal the village's decision to retain a public relations firm, Behan Communications, which began providing advice to Borge and the village in December, including how to answer questions from reporters. The hiring of Behan Communications, which for many years has handled public relations for General Electric Co. related to that company's pollution of the Hudson River, was not documented at a village meeting or publicly disclosed before the Times Union asked about the arrangement five months ago.

In January, a day before a standing-room-only meeting at the Hoosick Falls school district that was organized by Healthy Hoosick Water and included officials from the EPA and state Health Department, Borge received an email from Joan Gerhardt, a vice president with Behan Communications, who normally advises corporate clients on environmental matters.

"Hi Dave," Gerhardt wrote. "What do you think about me attending tomorrow's meeting, anonymously if possible? I'd really like to see events for myself, and listen to Enck. I'd hope to blend in, as if I'm a resident or uninvolved person interested in the issue. But if you think my attendance would become a focus and you'd get questions about my involvement, then I don't think it's worth it. Tom and John thought it would be OK, as long as we were prepared for me being 'outed.' What do you think?"

The "Tom and John" referenced in Gerhardt's email are two attorneys who have been advising the village on its handling of the PFOA pollution: John R. Patterson Jr., the village's part-time attorney, and Thomas Ulasewicz, a Glens Falls attorney whose firm was hired by the village — on Patterson's recommendation — to negotiate a settlement with Saint-Gobain. Those talks fell apart several months ago when the state Department of Environmental Conservation declared the polluted water system is an environmental superfund site and took over negotiations with the company and any others found responsible.

Most of the emails between the village and Saint-Gobain reflect their "collaborative effort," as Borge described it in an email last October, to find an alternate water supply for the village while using chemical tests and research to determine the extent and origin of the pollution. In February 2015, for instance, Saint-Gobain's Canning wrote an email to Borge telling him the company would pay for "expedited lab analysis for the well samples" that

were being collected that week by the village and Saint-Gobain. "As I am sure you appreciate, this assistance is not an admission of liability or responsibility for this matter, but rather part of our commitment to assist the village in conducting its own investigation of the wells," Canning added.

In a meeting with the Times Union last month, Tom Kinisky, president and CEO of Saint-Gobain Performance Plastics, explained the close relationship was, in part, a result of the company's decision to take responsibility for fixing the problem, even though much of the pollution may have taken place for decades before the French-owned Saint-Gobain purchased its two manufacturing plants in Hoosick Falls in the 1990s.

"We decided not to even talk about who was at fault," he said. "The reality is we were the only company still operating in Hoosick of the ones that had been there in the past and these were also our employees that were impacted in the village. ... So we started to talk about what do we do, and we went into that mode."

Saint-Gobain also provided input to the village on bulletins the municipality sent to residents, including one mailed last August with residents' water bills.

At that time, despite what some residents believed was overwhelming information that the levels of PFOA in the water system were dangerous, the village continued downplaying the situation.

"The issue remains that until the Federal EPA completes its current data gathering process regarding PFOA and makes a determination, this man-made substance remains officially an 'unregulated contaminant' and therefore, rules, regulations or enforceable standards for levels in drinking water do not exist," the letter said. "Both the village Water Treatment Plant and the Waste Water Plant continue to meet and exceed all county, state and federal regulations. We are in compliance in all areas."

David Engel, an attorney who specializes in environmental law and has been advising the residents who formed Healthy Hoosick Water, said they have questioned repeatedly whether the company and village were too close.

"One of the reasons Healthy Hoosick Water exists is because we were skeptical about what the village leadership was doing and what their motivation was," Engel said. "The simple fact is that from late 2014 until December 2015, the mayor refused to acknowledge that the water was not safe to drink. He repeatedly claimed that it was a matter of personal choice. That sort of posturing led people to conclude that the mayor was not serious about getting a solution in place. It was only after Healthy Hoosick threatened a lawsuit that Saint-Gobain committed to pay for bottled water and for water treatment."

On Friday, the village produced copies of its agreements with the Glens Falls law firm, FitzGerald Morris Baker Firth, and Behan Communications. The agreement with Behan Communications, which the Times Union requested in January, states Gerhardt would be paid at a rate of \$275 per hour "to provide confidential communications and public

relations strategy and advice to its attorneys in connection with its legal representation of the Village of Hoosick Falls."

The agreement with Behan Communications confirms that the firm would take steps to conceal its work for the village, including labeling the agreement and any communications as "attorney-client communication work product," even though the firm does not provide legal advice.

The agreement also notes that Behan Communications' invoices would be billed to the law firm, rather than the village, which would have required a public vote by the Village Board to approve the invoices.

The village has not disclosed details of any agreement with Saint-Gobain, which had pledged to pay the Glens Falls law firm for its work on behalf of the village. Engel, the attorney for Healthy Hoosick Water, said the group was very troubled by that proposal because it meant the law firm was negotiating with the company that would pay its fees.

Last October, in an email to the village's attorney, Borge said Saint-Gobain "is offering significant financial support to remediate the continuing existence of PFOA in the municipal water supply and we have an agreement in principle." It's unclear if the agreement was ever put in writing, or how much the company may have paid the Glens Falls law firm.

Dr. Marcus E. Martinez, who treats about 5,000 patients at his family medical practice in Hoosick Falls, helped form Healthy Hoosick Water last year with Michael Hickey, an insurance underwriter and village resident credited with discovering the chemical pollution in 2014. Hickey, who consulted with Martinez, began researching what he believed was a high rate of cancer in the village and paid to have tests of the water that revealed high levels of PFOA.

Martinez said that he was concerned about how the issue was being handled last year and is convinced that if the EPA wasn't notified by Engel, their attorney, "that we would still be drinking that water today."

"I could not get anywhere myself with the village board," Martinez said. "They would not listen to anything I had to say. No offense to them, but I'm more knowledgeable about health care. They were not going to listen to anything I had to say about my concerns about this chemical in the village water."

For their part, Saint-Gobain officials have said they are deeply invested in the small community and its workforce.

"Both Saint-Gobain and the local officials in Hoosick Falls have remained engaged, never taking our eyes off of our ultimate goal to provide clean drinking water to the Village residents," said Dina Silver Pokedoff, a company spokeswoman. "We are a 350-year-old company whose values include protecting the well-being of the communities where we live

and work. The ongoing, collaborative partnerships we have developed with local officials in Hoosick Falls is often times not expected of a company of our size and scope, but it is a key reason why we have been around for 350 years."

PFOA probe expanding to other companies throughout New Hampshire

By KIMBERLY HOUGHTON, Sunday News Correspondent

May 8, 2016

The Union Leader

MERRIMACK — State officials have contacted 44 companies from around the state, including six in Merrimack, that may have used or may currently be using perfluorinated chemicals.

As part of its ongoing water contamination investigation in southern New Hampshire, the state Department of Environmental Services is reaching out to companies other than Saint-Gobain Performance Plastics to determine the full scope of PFC and perfluorooctanoic acid, or PFOA, use in the Granite State.

"The state is looking obviously at other business industry representatives. We are also looking at landfills and firefighting foam as other possible sources," said Jim Martin, public information officer with DES.

The state's Hazardous Waste Management Bureau, Air Resources Division and DES compliance inspectors have identified a total of 44 companies that may have reported using PFC compounds at some point.

"We are trying to be respectful of the companies. Just because we are identifying them does not mean they definitely used PFCs or had the release of PFCs," said Martin. "We certainly don't want there to be any misperception that by identifying the companies that there was any misuse or problems related to these particular companies."

In addition to Saint-Gobain — the Merrimack company identified as the likely source of water contamination in southern New Hampshire — the other Merrimack businesses that have been contacted include Harcros Chemical Corp., North Country Wire, Tech NH, Texas Instruments and WesBell Electronics.

DES is asking that all 44 companies provide the state with information on their potential PFC and PFOA use. Specifically, it is seeking details on whether PFCs have been used in the past at the sites, how often they were used, whether they are currently used and how they are utilized.

PFCs have been used in hundreds of industrial applications and consumer products for decades, including carpeting, apparel, upholstery, food wrapping, firefighting foams and metal plating, according to the U.S. Environmental Protection Agency's website.

“At high concentrations, certain PFCs have been linked to adverse health effects in laboratory animals that may reflect associations between exposure to these chemicals and some health problems such as low birth weight, delayed puberty onset, elevated cholesterol levels and reduced immunologic responses to vaccination,” states the EPA site.

Some of the other companies in southern New Hampshire that have been identified as potential PFC users or past users include Alden Broden in Nashua, Diacom in Amherst, Hayden Kerk Motion Products in Milford and Hollis, Textiles Coated International in Amherst and Manchester, Wire Belt Company of America in Londonderry and Worthen Industries Inc. (Nylco Division) in Nashua.

Martin stressed that the list may not be complete.

As the investigation into water contamination continues in southern New Hampshire, the EPA has collected soil samples from the existing Merrimack landfill and a former Merrimack landfill to test for PFOA, which has been detected in more than 50 private wells at elevated levels in Litchfield and Merrimack. To date, more than 200 properties within the vicinity of Saint-Gobain are receiving bottled water as a precaution — most of those situated in Litchfield.

In addition to the 44 companies suspected of using or releasing PFCs, water samples have been collected from other, undisclosed companies in southern New Hampshire that have definitively been identified as using or previously using the chemicals.

“I don't think it would be appropriate to release the names of those companies until we have something,” Martin said of the pending test results, adding he is hopeful that more information will be available at the end of the week on this matter.

Firefighting foam used for fire suppression also has the potential to cause contamination, and DES will be working with the New Hampshire State Fire Marshal's Office to communicate with local fire departments throughout New Hampshire in an effort to gather data on when and where the foam may have been used.

“This is another piece of this investigation,” said Martin. “I don't think that we are taking any type of a buckshot approach at this investigation. We will not be randomly sampling in the state looking for PFOA. Any of our efforts are going to be targeted efforts.”

List released of companies that might have used PFCs
Environmental officials begin tests at some site

UPDATED 11:39 PM EDT May 06, 2016

WMUR Manchester

CONCORD, N.H. —State environmental officials have released a list of companies that might have used or are possibly still using chemicals known as PFCs at their businesses.

"We have a prioritized list. So we've contacted each of these companies, reached out to them either by letter or through a basic information request or we've initiated further investigations with them," said Department of Environmental Services spokesperson Jim Martin, "We've visited their facilities, or we are collecting water samples in the area of their operation."

The Department of Environmental Services said it is investigating 44 companies in the Granite State and has taken preliminary water samples at some sites.

The list published on the department's website Friday is a list of companies that may or may not have used perfluorochemicals in the past and might still be using them.

High levels of the chemical perfluorooctanoic acid were found in drinking water in Merrimack, Litchfield, Bedford, and Manchester after contamination occurred near Saint-Gobain Performance Plastics in Merrimack, according to state officials.

DES said it has no evidence of any PFC problems near any other company in the Granite State, but several on the list are in Merrimack, Amherst, Manchester and Londonderry.

"Clearly this list does in no way indicate that there was a release of PFCs at any of these companies. I would say the majority of these companies we simply sent them an information request so that we can get a better idea of how they may have used the PFCs in their business processes," Martin said.

The department said it's focusing on a few companies on the list that it knows had the greatest use of PFC chemicals in their production. Although water testing has started at some locations, no results have come back.

Martin said, "It's a little too early to tell, we're waiting to see what the data tells us. We have information from companies, and some of the information we've collected have led us to want to investigate further by taking water samples"

A list of companies identified by NHDES as potential past or present users of PFC compounds:

Department of Defence's response to contamination damned in majority Senate committee report

By JOANNE MCCARTHY

May 8, 2016, 10 p.m.

A SENATE inquiry into fire fighting foam contamination at Department of Defence sites, including Williamtown RAAF Base and Oakey Army Aviation Centre in Queensland, has issued a scathing assessment of Defence and its ability to deal with the issue into the future.

“Defence's unsatisfactory responses to questions by the committee on the issue of responsibility, liability and compensation, and its failure to adopt a blanket precautionary approach, are the most disappointing outcomes of this inquiry,” concluded the second of two reports released by a majority of the Senate foreign affairs, defence and trade references committee.

Scathing: A Senate committee has issued a scathing majority report about the Department of Defence's handling of fire fighting foam contamination of areas around its bases at Williamtown and Oakey in Queensland.

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“The committee is not confident Defence is capable of managing contamination of its estate without a whole-of-government response and ongoing parliamentary oversight.”

The committee, headed by Labor Senator Alex Gallacher, expressed “real surprise and concern” at the federal Department of Environment’s inability to take the lead on the response to fire fighting foam contaminants perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA) across the country, because of its own legislation.

“The committee fails to see how Environment can be so hamstrung in dealing with an emerging national environmental contamination issue by the key piece of national environmental protection legislation over which it has responsibility, the Environment Protection and Biodiversity Conservation Act,” the majority report said.

The federal Department of Environment gave evidence to the inquiry that it was unable to consider PFOS and PFOA contamination as part of an environmental assessment of Williamtown RAAF Base for the Joint Strike Fighter program.

A \$1 billion upgrade of Williamtown for the program did not give the Department of Environment a “free pass for us to go in and resolve any legacy issues that exist”, the department told the inquiry.

The EPBC Act required the Department to consider matters referred to it by the referrer. As part of the Joint Strike Fighter environmental assessment Defence asked Environment to consider noise and potential fuel dumping issues, but did not ask Environment to consider existing PFOS and PFOA contamination even though it was aware of the

contamination at the time.

The majority committee report, dominated by Labor and Greens MPs, found the complexity of the regulatory environment, the interaction of laws and regulations at state and federal levels and the operation of the EPBC Act had been “detrimental to communities seeking answers and requiring government assistance”, the committee found.

“Nowhere is the level of regulatory confusion more clear than in the conflicting views of Defence and the NSW Environment Protection Authority (EPA) about when to notify the Williamstown community of the contamination, which both agencies had known about for some years, and the subsequent unilateral action taken by the EPA out of frustration with Defence's inaction,” the committee found.

The majority committee report, dominated by Labor and Greens MPs, accused the Federal Government and Defence of hiding behind scientific uncertainty about the human impact of PFOS and PFOA to support inaction, a situation that was “not acceptable”.

The majority committee found that regular blood testing of affected residents in Williamstown and Oakey was warranted, after the committee was told blood testing of 74 Oakey residents returned PFOS readings ranging from a minimum 2.35 nanograms per millilitre of blood up to a high of 381.29 nanograms per millilitre.

The “average Australian pooled level” is 21.3 nanograms per millilitre.

cannot explain why some residents who live outside the (Oakey) investigation area have significantly elevated levels of PFOS/PFOA in their blood. The reasons for this are unknown,” the majority committee report said.

“Uncertainty also remains around the exact pathways to contamination from the Oakey base.. For these reasons the committee is of the view that regular blood testing is warranted.

“The committee concludes that scientific uncertainty around the human toxicological impact of PFOS/PFOA, and legal uncertainty around environmental regulation when contamination spreads from land controlled by Defence to non-Commonwealth land, should no longer be viewed by government as obstacles to action.

“Obtaining scientific and legal certainty is likely to remain beyond the government's reach for the indefinite future. It is not acceptable for Defence to hide behind uncertainty as an excuse for inaction.”

This was despite a Defence report as early as 2003 identifying that “both PFOS and PFOA have been implicated with a variety of cancers and toxic health effects in humans that have had long term exposure to products containing PFOS/PFOA”.

The majority committee concluded that Williamstown and Oakey residents were left “in a

state of uncertainty for the indefinite future”.

While Defence had argued a door was open for Williamstown residents seeking to recover costs from the department for damages relating to property devaluation and business losses, “the evidence received by the committee suggests otherwise”, the report found.

The committee reiterates the point made in the conclusion of its first report on Williamstown that the Commonwealth Government is best placed to manage the risks of ownership of land which it has played a key role in contaminating,” the report said.

“Defence should be actively engaging with residents concerned that their properties may no longer be fit for purpose and interested in being relocated to an alternative estate within the local community which is free from contamination.”

The committee expressed surprise that there is no Australian legislation banning PFOS and PFOA, and said it should be introduced.
